

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**ESA NO.54 of 2023(O&M)
Date of Order:05.10.2023**

Vijay Kumar

.Appellant

Versus

Gujesh Kumar Sharma and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Sumeet Jain, Advocate
for the appellant.**

ANIL KSHETARPAL, J

1. This is the execution second appeal filed by the third party objector. His objection petition while resisting the execution of the decree for possession by way of specific performance of the agreement to sell has been dismissed by both the courts below.

2. While filing the objection petition, the appellant stated that he was in possession as a tenant of one shop bearing no.1625 (old) and shop bearing No.132(new) situated at Landran Road, Kharar. In paragraph 4, he made a statement that he entered a settlement and promised to hand over the possession to the decree holder. The petition for appellant's eviction and another civil suit were pending. Learned counsel admits that once the possession was handed over by the appellant, both the proceedings, namely, the ejectment petition as well as the civil suit were withdrawn. However, in the execution petition, objections petition was filed by the appellant claiming to be in possession of the shop.

3. Both the courts drew inference in the facts of the case that these objection petitions have been filed at the behest of the judgment debtor.

Similar objection filed by the judgment debtor has already been dismissed.

4. Before this court, the learned counsel representing the appellant again submitted that the appellant is in possession of the property as a tenant and therefore he cannot be dispossessed from the same.

5. On being requested by the court, the learned counsel representing the appellant has read over his objection petition. In the objection petition the appellant has stated that he promised to hand over the possession back and thereafter the proceedings were to be withdrawn. He was further requested to show the fact that he was ever the tenant over the multiple shops, he failed to show that to the Court.

6. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

7. Dismissed, with costs of Rs.50,000/- which shall be deposited with the 'Poor Patients Welfare Fund' of the Post-graduate Institute of Medical Education and Research (PGIMER), Chandigarh, personally or through its website "www.pgimer.edu.in" and produce the receipt duly verified by his counsel before the Registrar General of this Court.

8. All the pending miscellaneous applications, if any, are also disposed of.

October 05, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO